

Nandita Giri And 11 Ors. vs Central Information Commission Through Its Secretary And 7 Ors. on 14 February, 2006

Orissa High Court

Nandita Giri And 11 Ors. vs Central Information Commission Through Its Secretary And 7 Ors. on 14/2/2006

ORDER

1. Heard.

The petitioner has approached this Court with the following prayer:

In view of the above stated circumstances, the petitioners pray that, the Hon'ble Court may be pleased to admit this writ petition and after hearing the parties issue a Writ of Mandamus, particularly, to the O.P. 3 & 4 (Govt. of India and Orissa) to make specific Provisions/Rules pertaining to specific time limit for disposal of complaint Under Section 18 of the RTI Act, 2005 by the Central and State Information Commissions in absence of such statutory provision under the Act;

And further be pleased to pass any other Writ/Writs, Direction/Directions, Order/Orders as the Hon'ble Court deems fit and proper.

2. In course of hearing, the learned Counsel for the petitioner submits that since there is no specific provision under Section 18 of the Right to Information Act, 2005, a direction can be given by this Court to the opposite parties to amend and insert specific provisions in the Act specifying the time limit for disposal of the complaints. The learned Counsel, when posed with the question, as to whether the High Court can issue a direction to legislate any provision in the Central or in the State Act, the learned Counsel has referred to the decision of the Apex Court in Union of India v. Association for Democratic Reforms and Anr. . The contention is misconceived. In paragraph 19 of the decision referred to, it has been clearly laid down by the apex Court that it is not possible for the Court to give any directions for amending the Act or the statutory Rules. It is for Parliament to amend the Act and the Rules. Nothing has been brought on record to show as to why there ought to have been a provision in the manner the petitioner proposes. It further appears that each of the petitioners had made applications to two different authorities for supply of the information under Section 6 of the Act, which on being refused, they have filed a complaint before the appropriate authorities under the Act. The writ petition is otherwise bad for mis-joinder of the cause of action and the parties.

3. In such view of the matter, we are not inclined to entertain the writ petition, which is accordingly dismissed.

4. Misc. Case No. 390 of 2006 also stands dismissed accordingly